

Message Text

CONFIDENTIAL POSS DUPE

PAGE 01 BONN 00784 01 OF 03 161637Z

62

ACTION ACDA-19

INFO OCT-01 EUR-25 ISO-00 AEC-11 AF-10 ARA-16 CIAE-00

DODE-00 EA-11 PM-07 H-03 INR-10 IO-14 L-03 NASA-04

NEA-10 NSAE-00 NSC-10 OIC-04 SPC-03 PA-04 PRS-01

RSC-01 SCI-06 SS-20 USIA-15 SAJ-01 DRC-01 /210 W

----- 117528

R 161625Z JAN 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 9752

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 03 BONN 00784

NOFORN

E.O. 11652: XGDS-1

TAGS: PARM, GW

SUBJECT: NPT RATIFICATION PROCEEDINGS IN FRG

REF: STATE 7969

BEGIN SUMMARY: THIS TELEGRAM REPORTS ON COMMENTS CONCERNING NPT INTERPRETATION WHICH CDU DEPUTY MERTES MADE TO EMBOFF DURING JAN 14 MEETING. IT ALSO NOTES THAT FONOFF IS PRESENTLY ENGAGED IN PREPARATION OF NPT INTERPRETATION. FINALLY, WE OFFER COMMENTS REQUESTED BY DEPT ON WAYS OF HELPING TO MINIMIZE JEOPARDY TO GERMAN NPT RATIFICATION PROCESS WHILE AVOIDING U.S. ROLE IN DOMESTIC GERMAN DEBATE. END SUMMARY

1. CDU BUNDESTAG DEPUTY MERTES ASKED EMBOFF TO CALL JAN 14, PRIOR TO OUR RECEIPT OF DEPT REFTEL, TO HEAR COMMENTS CONCERNING DRAFT INTERPRETATIVE STATEMENT ON NPT WHICH MERTES HAD PRESENTED DEC 13 TO DEPUTY SECRETARY RUSH. ON JAN 14, MERTES ALSO TRANSMITTED DRAFT INTERPRETATION, AIDE MEMOIRE AND ACCOMPANYING LETTER TO CONFIDENTIAL
CONFIDENTIAL

PAGE 02 BONN 00784 01 OF 03 161637Z

FOREIGN MINISTER SCHEEL AND DEFENSE MINISTER LEBER,
ASKING THEIR COOPERATION IN ELABORATING TEXT ACCEPTABLE

BOTH TO GOVERNMENT AND OPPOSITION. ON SAME DATE, DRAFT INTERPRETATION AND ACCOMPANYING DOCUMENTS WERE TRANSMITTED TO THE EIGHT EC MEMBER-STATE AMBASSADORS IN BONN. MERTES IS ALSO SENDING THESE DOCUMENTS TO NATO SYG LUNS, EC COMMISSION PRESIDENT ORTOLI, AND TO AMBASSADOR HILLENBRAND. (WE ARE POUCHING THEM TO EUR/CE - WILGIS.) MERTES TOLD EMBOFF THAT ANY SUCH INTERPRETATION ALSO WOULD HAVE TO BE CONSIDERED BY THE NATO COUNCIL, "IN VIEW OF THE COMMON EUROPEAN INTERESTS" IN THE QUESTION.

2. MERTES SAID HIS RATIONALE FOR DEVELOPING NPT INTERPRETATION IS THE LONG-STANDING SOVIET PRACTICE OF UTILIZING DISPUTES OVER INTERPRETATION OF TREATIES AND DIPLOMATIC INSTRUMENTS TO ADVANCE RUSSIAN INTERESTS AND TO PREJUDICE WESTERN INTERESTS. HE SAID THE PAST YEAR OF BONN-MOSCOW QUARRELS OVER THE BERLIN AGREEMENT AND THE INNER-GERMAN SQUABBLING OVER THE FRG/GDR BASIC RELATIONS TREATY HAD BEEN FRESH CASES IN POINT. IN THE NPT CONTEXT, A SOVIET DIPLOMAT HAD TOLD MERTES PRIVATELY THAT THE THEORY OF EUROPEAN UNIFICATION WAS FINE BUT THAT THE USSR COULD NOT ABIDE CONCRETE STEPS LEADING TO EVENTUAL EDC TYPE ARRANGEMENTS ENTAILING A GERMAN NUCLEAR ROLE. MERTES TOLD EMBOFF THAT A CLEAR FRG INTERPRETATION OF THE NPT THEREFORE MUST BE A PRE-CONDITION TO CDU/CSU APPROVAL, GIVEN THE GEOGRAPHICAL PROXIMITY OF THE SOVIET UNION TO THE FRG, GERMAN DEPENDENCE ON THE "BORROWED MILITARY STRENGTH" OF THE U.S. AND THE POLITICAL-PSYCHOLOGICAL WEIGHT OF PAST GERMAN RELATIONS WITH SOVIET RUSSIA.

3. MERTES THEN VOLUNTEERED THE FOLLOWING COMMENTS ON HIS DRAFT INTERPRETATION, AS PEGGED TO THE TEXT IN DEPT.
REFTEL.

A. INTRODUCTORY - THE MERTES TEXT SAYS "NOTIFICATION (OF THE FRG INTERPRETATIVE STATEMENTS)...., SHOULD BE MADE SUBJECT TO RATIFICATION, TO THE THREE DEPOSITORY POWERS." IN FACT, IT IS FRG RATIFICATION WHICH WOULD BE SUBJECT TO ACCEPTANCE OF THE INTERPRETATIVE DECLARATION, VIA ACKNOWLEDGMENT OF RECEIPT OF THE NOTIFICATION
CONFIDENTIAL
CONFIDENTIAL

PAGE 03 BONN 00784 01 OF 03 161637Z

DOCUMENT.

B. PARA 1 IS DESIGNED AS AN ACT OF SOLIDARITY IDENTIFYING THE FRG INTERPRETATION WITH THAT OF THE U.S.

C. PARA 2 - THE AMERICAN INTERPRETATION OF EUROPEAN STATE SUCCESSION IS POLITICALLY AND LEGALLY INSUFFICIENT. BUT THIS CRITICAL VIEW SHOULD NOT BE FORMULATED IN NEGATIVE TERMS. RATHER, THE U.S. INTERPRETATION OF SUCCESSION REFLECTS THE END GOAL AND FINAL STAGE OF

EUROPEAN UNION. PARA 2 MEANS THAT NONTERMEDIARY STAGE SHOULD BE BARRED; THE KEY WORD IS "INTO." EMBOFF COMMENTED THAT, IN JUXTAPOSITION TO THE STATED PURPOSE OF PARA 1, PARA 2 WOULD SEEM DESIGNED TO IDENTIFY THE

CONFIDENTIAL

NNN

CONFIDENTIAL POSS DUPE

PAGE 01 BONN 00784 02 OF 03 161642Z

41
ACTION ACDA-19

INFO OCT-01 EUR-25 ISO-00 AEC-11 AF-10 ARA-16 CIAE-00

DODE-00 EA-11 PM-07 H-03 INR-10 IO-14 L-03 NASA-04

NEA-10 NSAE-00 NSC-10 OIC-04 SPC-03 PA-04 PRS-01

RSC-01 SCI-06 SS-20 USIA-15 SAJ-01 DRC-01 /210 W
----- 117552

R 161625Z JAN 74
FM AMEMBASSY BONN
TO SECSTATE WASHDC 9753
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 02 OF 03 BONN 00784

NOFORN

U.S. INTERPRETATION WITH THAT OF MERTES.

D. PARA 3 - THE WORD "SIMULTANEOUS" SHOULD BE
REPLACED
ADP000
CONFIDENTIAL POSS DUPE

PAGE 01 BONN 00784 03 OF 03 161640Z

66
ACTION ACDA-19

INFO OCT-01 EUR-25 ISO-00 AEC-11 AF-10 ARA-16 CIAE-00

DODE-00 EA-11 PM-07 H-03 INR-10 IO-14 L-03 NASA-04

NEA-10 NSAE-00 NSC-10 OIC-04 SPC-03 PA-04 PRS-01

RSC-01 SCI-06 SS-20 USIA-15 SAJ-01 DRC-01 /210 W
----- 117548

R 161625Z JAN 74
FM AMEMBASSY BONN
TO SECSTATE WASHDC 9754
INFO AMEMBASSY MOSCOW

CONFIDENTIAL SECTION 03 OF 03 BONN 00784

NOFORN

CONCRETE DISCUSSION OF A POSSIBLE NPT INTERPRETATION BETWEEN THE GOVERNMENT AND OPPOSITION WOULD COME AT THESE COMMITTEE MEETINGS. GIVEN THE U.S. WISH TO AVOID INTERFERING IN THE GERMAN POLITICAL DEBATE, U.S. REPRESENTATIONS TO THE FONOFF PROBABLY SHOULD BE DIRECTED AT OFFENSIVE PASSAGES OF THE INTERPRETATION AND PROCEDURAL ASPECTS OF ITS NOTIFICATION RATHER THAN AT THE CONCEPT OF AN INTERPRETATION PER SE. THE FONOFF SEEMS PREPARED TO ACCEPT THIS KIND OF APPROACH. AN EARLY DEMARCHE AT THE FONOFF MIGHT AVOID UNWANTED GOVERNMENT POSITIONS DURING THE UPCOMING BUNDESTAG COMMITTEE DISCUSSION. BUT IN VIEW OF PRESENT FONOFF RETICENCE AND THE PRIVATE NATURE OF U.S. CONVERSATIONS WITH THE CDU, WE BELIEVE SUCH A U.S. DEMARCHE, IF APPROPRIATE, WOULD BE BETTER RESERVED PENDING OUR LEARNING DETAILS OF THE FONOFF POSITION AND THE NATURE OF THE INITIAL GOVERNMENT/OPPOSITION DISCUSSION. MEANWHILE, MERTES, WHO AS A FORMER FONOFF DISARMAMENT EXPERT AND AIDE TO AMB. SCHNIPPERKOETER, IS VERY FAMILIAR WITH LIKELY U.S. OBJECTIONS, WILL HAVE BEEN PUT ON NOTICE OF U.S. INTENTION TO VOICE OBJECTIONS CONCERNING HIS DRAFT WITH THE

CONFIDENTIAL
CONFIDENTIAL

PAGE 02 BONN 00784 03 OF 03 161640Z

FONOFF.
HILLENBRAND

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NPT, TREATY RATIFICATION, NUCLEAR PROLIFERATION
Control Number: n/a
Copy: SINGLE
Draft Date: 16 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: martinml
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BONN00784
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Film Number: n/a
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740139/aaaabkiw.tel
Line Count: 211
Locator: TEXT ON-LINE
Office: ACTION ACDA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 7969
Review Action: RELEASED, APPROVED
Review Authority: martinml
Review Comment: n/a
Review Content Flags:
Review Date: 01 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 MAY 2002 by martinml>; APPROVED <25-Sep-2002 by martinml>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NPT RATIFICATION PROCEEDINGS IN FRG
TAGS: PARM, GE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005